

## CHAPTER 11 PERSONAL FINANCIAL DISCLOSURE

### **351—11.1(68B) Filing requirements and procedures.**

**11.1(1)** All persons who are required to file a personal financial disclosure statement with the board pursuant to Iowa Code section 68B.35(2) shall file the statements with the board on or before April 30 of each year following a year during which the person holds a designated position, without regard to the length of time the position was occupied by the person. A person who fills a designated position in an “acting” capacity shall also file a personal financial disclosure statement in the subsequent year. A person who held a designated position who leaves that position or state employment shall have a continuing obligation to file the statement for all years or portions of a year the position was held prior to termination. A person who held a designated position who leaves that position prior to the end of a calendar year and does not immediately assume another designated position shall file the statement for the current year with the board within 30 days after leaving the designated position.

**11.1(2)** Persons who are candidates for statewide office shall file Form PFD with the board no later than 30 days after the date on which a person is required to file nomination papers for state office under Iowa Code section 43.11. Once nomination papers or an affidavit of candidacy is filed, the board shall notify the person of the requirement to file Form PFD. The notification shall be sent by first-class mail and shall include a blank form or information on how to obtain a blank form for filing.

**11.1(3)** Statements shall be filed on Form PFD as designated by the board and shall cover the calendar year immediately preceding the year due. However, a statement filed by a person who has left a designated position during the course of a year need only contain information covering the portion of that year which has elapsed prior to the person’s leaving the position.

**11.1(4)** For the purpose of completing Form PFD, income sources which shall be reported include those sources which are held jointly with one or more persons and which in total generate more than \$1000 of income. “Jointly” means that the ownership of the income source is undivided among the owners, and that all owners have one and the same interest in an undivided possession, each with full rights of use and enjoyment of the total income. Sources of income which are co-owned but with ownership interests which are legally divisible, without full rights of use or enjoyment of the total income, need not be reported unless the person’s portion of the income from that source exceeds \$1000.

**11.1(5)** For purposes of completing Form PFD, income earned solely by the spouse of a person subject to reporting is not income to that person and need not be reported as an income source.

**11.1(6)** The forms may be filed with the board by mailing the form to: IECDB, 514 East Locust, Suite 104, Des Moines, Iowa 50309. These forms will be recorded through electronic means, and the electronic image of the forms will be retained in active files for a period of at least two years, after which time the imaged forms will be placed in electronic data archives for a period of at least ten years. The paper form will be destroyed after form imaging and electronic data backup. The electronic image of the form shall be available for inspection through the board’s office. Printed copies of imaged forms may be obtained from the board in the same manner as for copies of other public records of the board.

**351—11.2(68B) Procedure for determining persons required to file with the board—distribution of forms.** To determine the persons in the executive branch who are required to file Form PFD, the board shall contact each agency on an annual basis and provide notification of the requirements in Iowa Code section 68B.35. This notification shall include the name and position title of each person in the agency who filed Form PFD the previous year. Each agency, in consultation with the board, shall then determine which persons are required to file Form PFD for the next filing period and shall provide the board with the appropriate names and position titles. The board shall provide each agency with blank forms for distribution to the designated persons and shall make blank forms available via the board’s Web site at [www.state.ia.us/ethics](http://www.state.ia.us/ethics). The board shall have the final authority to determine whether a position requires that a Form PFD be filed.

**351—11.3(68B) Annual filing exemption—procedure.** Rescinded IAB 9/18/02, effective 10/23/02.

**351—11.4(68B) Disclosure statement.**

**11.4(1) *Late if not received or postmarked with a United States Postal Service postmark.*** A personal financial disclosure statement is deemed to be delinquent if it is not physically received in the office of the board or mailed bearing a United States Postal Service postmark dated on or before the report due date. Private postage meters are not acceptable as proof of timely mailing.

**11.4(2) *Extension for holidays.*** If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the filing due date is extended to the first working day following, and personal financial disclosure statements received or properly postmarked on that day will not be considered to be delinquent. If the due date falls on a date on which the the board's office is open, even though it is on a day that the United States Postal Service is not postmarking deposited mail, a disclosure statement is deemed to be delinquent if it is not received in the board's office on or before the due date or mailed bearing a United States Postal Service postmark dated before the due date.

**11.4(3) *Facsimile filing.*** Rescinded IAB 7/10/02, effective 8/14/02.

**351—11.5(68B) Penalties.**

**11.5(1) *Penalties for late personal financial disclosure statements.*** Any affected member of the executive branch, or candidate for statewide office, that fails to timely file a required personal financial disclosure statement shall be subject to an automatic civil penalty according to the following schedule:

<u>Days Delinquent</u>	<u>Penalty Amount</u>
1 to 14	\$25
15 to 30	\$50
31 and over	\$100

**11.5(2) *Requests for waiver or reduction of assessed penalties.*** Any person who is assessed a penalty under this chapter may apply to the Iowa ethics and campaign disclosure board for consideration of a waiver or reduction of the assessed amount.

**11.5(3) *Additional penalty.*** If an affected member of the executive branch, or a candidate for statewide office, fails to file a personal financial disclosure statement within 45 days of the required filing date, a contested case proceeding may be held to determine whether or not a violation has occurred. If, after notice and opportunity to be heard, it is determined that a violation occurred, any of the sanctions under Iowa Code section 68B.32D may be imposed. Any sanction under Iowa Code section 68B.32D would be in addition to an automatically assessed penalty under this chapter.

**11.5(4) *Payment of penalty.*** The remittance shall be made payable and forwarded to the Iowa Ethics and Campaign Disclosure Board, 514 E. Locust Street, Suite 104, Des Moines, Iowa 50309.

After recording, the remittance shall be deposited in the general fund of the state of Iowa and, if the person has provided a self-addressed, stamped envelope, a receipt will be issued by the board to the person.

**351—11.6(68B) Failure to file true statement.** It shall be a violation of this rule for any affected member of the executive branch, or candidate for statewide office, to file a disclosure statement containing false or fraudulent information. Complaints concerning the filing of a false or fraudulent disclosure statement shall be governed by the provisions of Iowa Code chapter 68B. If it is determined after a contested case proceeding that a false or fraudulent disclosure statement was filed, the board may impose any of the actions under Iowa Code section 68B.32D.

These rules are intended to implement Iowa Code section 68B.35.

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ØTwo or more ARCs